



1 We were never able to find out why ICE had placed the detainer hold on petitioner and  
2 learned their reasons only when the government answered the petition for writ of habeas  
3 corpus;

4 \_\_\_\_\_4.) At the detention hearings in the Eastern District, Pre Trial Services would not make a  
5 recommendation for release conditions because there was an ICE hold and even if bond  
6 were set, petitioner would not be released but rather would be transferred to the custody  
7 of ICE. Therefore, there was no point in arguing for bond or proposing any release  
8 conditions in the criminal case. The magistrate judge informed counsel that he would  
9 not set bond or release an alien with an ICE hold and this was the practice in that district.  
10 I am aware that in nearly every such case, when an alien has an ICE detainer, defense  
11 counsel does not challenge the detention order as it would not result in release. The  
12 orders of detention in this case were not the result of a contested hearing and were  
13 entered by the magistrate judge based on the evidence presented by the government. If  
14 the ICE hold is lifted, I will request a new detention hearing and would present evidence  
15 showing that petitioner is neither a flight risk nor a danger to the community based upon  
16 length of time in this country, family ties, and a lengthy period of supervision by ICE.  
17

18 I declare under penalty of perjury that the foregoing is true and correct.

19 Dated: April 24, 2008

20 s/d.horngrad  
21 Douglas Horngrad, Esq.  
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